

Inventors: Hood and Siegel

Serial No.: 09/919,360

Filed: July 30, 2001

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REMARKS

Claims 1-43 are pending and have been restricted under 35 U.S.C. § 121 into the following two groups:

Group I : Claims 1-16 and 30-43, directed to a method of classifying or categorizing a population by drug responsiveness; and

Group II : Claims 17-29, directed to a method of predicting a drug response in an individual.

The Examiner requests that one of the groups of claims be elected for examination. Although the restriction requirement is traversed for the reasons set forth below, Applicants elect the claims of Group I, claims 1-16 and 30-43, for examination.

The Restriction Requirement is traversed with respect to the division of the claims of Group I from the claims of Group II. While the claims of Groups I and II are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal art relevant to the examination of the claims of the other group. Thus, a search of the claims of Group I will, of necessity, reveal information relevant to the examination of the claims of Group II and, therefore, division of the claims into these groups would result in duplicative searches. Therefore, examination of the claims of Group I with the claims of Group II together should not be an undue burden on the Examiner.

The Restriction Requirement also indicates that a species be elected. In particular, the Restriction Requirement indicates that either species A, beneficial drug reaction such as the alleviation of a sign or symptom associated with a condition, or species B, adverse drug reaction, be elected. Applicants elect species A, beneficial drug reaction.

Applicants elect the claims of Group I, claims 1-16 and 30-43, for examination and respectfully request that the restriction requirement be reconsidered and that the claims of Groups I and II be examined together. Furthermore, Applicants elect species A, beneficial drug

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reaction. The Examiner is invited to contact the undersigned agent if there are any questions related to this application.

Respectfully submitted,



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